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**AUG 07 2002**

**OFFICE OF PETITIONS**

In re Application of :  
Lee et al. :  
Application No. 10/003,632 : DECISION GRANTING PETITION  
Filed: 2 November, 2001 :  
Attorney's Docket No. CEN-269 :

This is a decision on the paper filed on 26 June, 2002 (certificate of mailing 19 June, 2002), which is treated as a petition under 37 CFR 1.53(e) filed on 1 March, 2002, to accord the above-identified application a filing date of 2 November, 2001.

The petition is granted.

On 2 November, 2001, the application was filed. On 19 April, 2002, however, Initial Patent Examination Division mailed a "Notice of Incomplete Nonprovisional Application" stating that, *inter alia*, the application had not been accorded a filing date because the application had been deposited without drawings. A two (2)-month period for reply was set.

In response, on 26 June, 2002 (certificate of mailing date 19 June, 2002), the present petition was filed. Petitioner requests that the application be accorded a filing date of 2 November, 2001.

It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).<sup>1</sup> A review of the record reveals that Claims 27 and 29 are method claims. Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the invention.

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<sup>1</sup>MPEP 601.01(f).

Accordingly, the application, as filed, is entitled to a filing date.

The petition is granted. No petition fee is due.

The "Notice of Incomplete Nonprovisional Application" mailed on 19 April, 2002, is hereby vacated to the extent that it stated that the application had been deposited without drawings.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 2 November, 2001, and for an indication on the bib-data sheet that no (0) sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at 703 308-6918.



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for Patent Examination Policy